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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

SOUTHERN RY. CO. v. JONES.

Jan. 17, 1907.

[56 S. E. 155.]

1. Railroads—Operation—Accidents at Crossings—Obstructions—Care Required.—Where the view of a traveler on a highway crossing a railroad was obstructed by a rick of cordwood near the railroad crossing, a higher degree of care was imposed upon such traveler, and also upon the railroad company, than if the obstruction had not existed, the degree of caution required by both parties being in proportion to the danger caused by the obstruction.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 41, Railroads, §§ 981, 1057-1070.]

2. Same—Contributory Negligence—Failure to Look and Listen—Negligence of Company—Sounding Whistle.—Where a traveler on a highway, after stopping and looking for an approaching train at a distance of 75 feet from a crossing where he could not look down the track because of an obstruction, did not again look or listen until he was on the main track, where he was struck by a train, though for at least 40 feet before arriving on such track he could have looked down the railroad a distance of over 700 feet, he was guilty of contributory negligence, precluding his recovery for his injury, even though the company was negligent in failing to sound a whistle as required by Acts 1893-94, p. 827, c. 737.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 41, Railroads, §§ 1087, 1061.]

TROUT et al. v. PRATT.

Jan. 17, 1907.

[56 S. E. 165.]

1. Wills—Construction—Estates Devised.—A testator gave all his property to his wife, to be used by her for the mutual benefit of herself and children, and declared that on her remarriage she should take only what the law allows a widow, and that it was desired that she should make advances to the children as circumstances might require, so that they should enjoy an equal degree of the estate, taking care not to so diminish the estate during her life as to deprive it of an income sufficient to render herself and those of the children who might be with her independent, and that after